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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,008	02/16/2001	Charles A. Price	19685.0007	4067

7590

06/03/2004

Patent Department  
Swidler Berlin Shereff Friedman, LLP  
Suite 300  
3000 K Street, N.W.  
Washington, DC 20007

EXAMINER
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PATEL, NIKETA I

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/785,008

Applicant(s)

PRICE ET AL.

Examiner

Niketa I. Patel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

  
FRITZ FLEMING  
PRIMARY EXAMINER  
GROUP 2100

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8.9.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

***Specification***

1. The disclosure is objected to because of the following informalities: line numbers are not provided for the specification, including the claims. Appropriate correction is required. The preferred format for numbering the claims is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant, all future correspondence should include the recommended line numbering.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 30, 32, 34-35 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Or et al. U.S. Patent Number: 6,532,237 (hereinafter referred to as "Or".)

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4. **Referring to claims 1, 30, 32,** Or teaches a system for configuring one or more devices to customize a lab network in one or more participating facilities for testing scenarios using those devices [see column 8 - lines 18-30], comprising: a language subsystem for creating a network topology description for a scenario [see column 12 - lines 55-65; column 8 - lines 50-59, 'constructing the topology database by processing the PTSEs'; see figure 2 - elements 22, 102, 100, 29]; a scenario scheduling subsystem for scheduling a facility to execute the scenario and for reserving one or more requested devices to be utilized in executing the scenario [see column 8 - lines 60-67, column 9 - lines 1-5]; and a lab management subsystem for executing the scenario [see column 9 - lines 40-60.]

5. **Referring to claim 34,** Or teaches the method of wherein the scheduling step includes accessing a scenario scheduling subsystem to schedule a scenario request, and wherein the scenario scheduling subsystem determines a facility and one or more devices to be used to fulfill the scenario request [see column 9 - lines 23-40, 'injecting plurality of PTSEs into the node under test, a topology database maintained within the node, creating virtual portion of the network'; see figure 2 - elements 102, 100, 96, 22.]

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6. **Referring to claim 35,** Or teaches the method of wherein the executing step includes retrieving description information about devices to be used in executing the scenario, configuring the devices in accordance with the description information to enable the devices to be used in the scenario, and managing the operation of the devices during the executing scenario [see column 8 - lines 42-59, 'constructing a topology using the ASCII file containing Node ID, peer group ID and the body of the PTSE'.]

7. **Referring to claim 37,** Or teaches a method for executing a custom scenario in a remote lab during a test session, comprising the steps of: designing a network topology description for a scenario [see column 8 - lines 50-59, 'constructing the topology database by processing the PTSEs']; scheduling a reservation for a session in which to execute the scenario [see column 8 - lines 60-67, column 9 - lines 1-5]; reserving one or more devices in the remote lab [see figure 2 - elements 22, 102, 100]; configuring the devices in accordance with the topology description [see column 9 - lines 23-33]; accessing the devices in order to remotely control the devices during the execution of the scenario; and executing the scenario [see column 9 - lines 40-60.]

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**Claim Rejections - 35 USC § 103**

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 2-11, 14-15, 21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Or et al. U.S. Patent Number: 6,532,237 (hereinafter referred to as "Or".) as applied to claims 1, 22, 30, 32 and 37 above, and further in view of Humpleman et al U.S. Patent Number: 6,466,971 (hereinafter referred to as "Humpleman".)

10. **Referring to claim 2**, Or teaches a language subsystem for creating a network topology description for a scenario [see Or column 12 - lines 55-65; column 8 - lines 50-59, 'constructing the topology database by processing the PTSEs'; see figure 2 - elements 22, 102, 100, 29] however does not set forth the limitation of the language subsystem utilizes an XML-based language. Humpleman teaches use of XML-based language to provide user with easy to use interactive display interface [see Humpleman column 2 - lines 52-67 and column 3 - lines 1-8, 'XML

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format to provide description data of two or more of the plurality of devices connected to the network'.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the system of *Or* to be implemented by using XML-based language to provide user with easy to use interactive display interface. It is for this reason that one of ordinary skill in the art would have been motivated to use XML-based language to provide user with easy to use interactive display interface.

11. **Referring to claim 3**, teachings of *Or* as modified by the teachings of *Humpleman* as applied to claim 2, teaches wherein the network topology description includes any of network topology information, device and interface configuration information, and condition state information of the topology and devices [see *Or* column 8 - lines 50-59.]

12. **Referring to claim 4**, teachings of *Or* as modified by the teachings of *Humpleman* as applied to claim 2, teaches wherein the XML-based language is a Network Description Language [see *Humpleman* column 2 - lines 52-67 and column 3 - lines 1-8, 'XML format to provide description data of two or more of the plurality of devices connected to the network'.]

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13. **Referring to claim 5,** *Or* teaches a language subsystem for creating a network topology description for a scenario [see *Or* column 12 - lines 55-65; column 8 - lines 50-59, 'constructing the topology database by processing the PTSEs'; see figure 2 - elements 22, 102, 100, 29] however does not set forth the limitation of wherein the language subsystem is accessible via a web browser application. *Humpleman* teaches use of web browser application for a user to interact with the networked devices and providing user with information [see *Humpleman* column 5 - lines 18-35, 'GUI'.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the system of *Or* to be implemented by using web browser application to provide a user with interactive interface with other networked devices. It is for this reason that one of ordinary skill in the art would have been motivated to use a web browser application so that an interactive interface can be provided to a user for communication with other networked devices.

14. **Referring to claim 6,** teachings of *Or* as modified by the teachings of *Humpleman* as applied to claim 5, teaches a web browser application for a user to interact with the networked devices and providing user with information [see *Humpleman*



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column 5 - lines 18-35, 'GUI'] however does not set forth the limitation of the web browser application includes an integrated visual tool that allows a user to create a scenario by drawing a network topology using the visual tool, such that the drawn network topology is automatically translated into a scenario that can be executed by the lab management subsystem.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of providing user with a user friendly visual tool to create a test scenario. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include a visual tool to create a test scenario.

15. **Referring to claim 7**, teachings of *Or* as modified by the teachings of *Humpleman* as applied to claim 6, teaches wherein the visual tool is integrated with the web browser application as a Java applet [see *Humpleman* column 16 - lines 59-66.]

16. **Referring to claim 8**, *Or* teaches a language subsystem for creating a network topology description for a scenario [see *Or* column 12 - lines 55-65; column 8 - lines 50-59, 'constructing the topology database by processing the PTSEs'; see figure 2 - elements 22, 102, 100, 29] however does not set forth the limitation of wherein the language subsystem comprises a schema

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for formally defining an XML-based language to describe the network topology description, and a parser for interpreting language expressions and determining whether those expressions are valid for creating a scenario description. *Humpleman* teaches to formally defining an XML-based language to describe devices and a parser for interpreting language expressions in order to provide user with easy to use interactive display interface [see *Humpleman* column 13 - lines 1-10, 20-41, 'English words to describe CE devices,' 'a look-up table to convert form XML to API definitions' and 'validity checks'; column 16 - lines 21-35, 'XML parser 74'.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the system of *Or* to formally defining an XML-based language to describe devices and a parser for interpreting language expressions to provide user with easy to use interactive display interface. It is for this reason that one of ordinary skill in the art would have been motivated to formally defining an XML-based language to describe devices and a parser for interpreting language expressions to provide user with easy to use interactive display interface.

17. **Referring to claim 9**, teachings of *Or* as modified by the teachings of *Humpleman* as applied to claim 8, teaches wherein

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the language subsystem further comprises a set of extensions for interfacing with a scenario description creation tool for translating objects created by the scenario description creation tool into the XML-based language [see *Humpleman* column 13 - lines 20-41, 'the look-up table'.]

18. **Referring to claim 10**, teachings of *Or* as modified by the teachings of *Humpleman* as applied to claim 8, teaches wherein additional objects are created using any of a standard text or XML editor [see column 10 - lines 30-36, 'text or XML files'.]

19. **Referring to claim 11**, teachings of *Or* as modified by the teachings of *Humpleman* as applied to claim 8, teaches creating a network topology description for a scenario [see *Or* column 12 - lines 55-65; column 8 - lines 50-59, 'constructing the topology database by processing the PTSEs'; see figure 2 - elements 22, 102, 100, 29] however does not set forth the limitation of wherein the scenario description creation tool is Visio.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of enabling users to share ideas and concepts visually by using diagrams to augment written material in documents or by expanding visual elements in a public presentation by using Visio software. It would have been obvious to one of ordinary skill in the art at

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the time of applicant's invention to user Visio to get this advantage.

20. **Referring to claim 14**, Or teaches a language subsystem for creating a network topology description for a scenario [see Or column 12 - lines 55-65; column 8 - lines 50-59, 'constructing the topology database by processing the PTSEs'; see figure 2 - elements 22, 102, 100, 29] however does not set forth the limitation wherein the scenario scheduling subsystem is accessible via a web browser application. *Humpleman* teaches use of web browser application for a user to interact with the networked devices and providing user with information [see *Humpleman* column 5 - lines 18-35, 'GUI'.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the system of Or to be implemented by using web browser application to provide a user with interactive interface with other networked devices. It is for this reason that one of ordinary skill in the art would have been motivated to use a web browser application so that an interactive interface can be provided to a user for communication with other networked devices.

21. **Referring to claim 15**, teachings of Or as modified by the teachings of *Humpleman* as applied to claim 14, teaches wherein

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the web browser application accesses the scenario scheduling subsystem via a Java servlet [see *Humpleman* column 16 - lines 59-66.]

22. **Referring to claim 21**, *Or* teaches a language subsystem for creating a network topology description for a scenario [see *Or* column 12 - lines 55-65; column 8 - lines 50-59, 'constructing the topology database by processing the PTSEs'; see figure 2 - elements 22, 102, 100, 29] however does not set forth the limitation of further comprising a scenario archive subsystem for archiving custom created scenarios for reuse in an associated archive database.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of saving resources by reusing test scenarios. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to archive the scenarios in order to get this advantage.

23. **Referring to claim 23**, *Or* teaches a language subsystem for creating a network topology description for a scenario [see *Or* column 12 - lines 55-65; column 8 - lines 50-59, 'constructing the topology database by processing the PTSEs'; see figure 2 - elements 22, 102, 100, 29] however does not set forth the

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limitation of wherein the language subsystem utilizes an XML-based language to describe the network topology description.

*Humpleman* teaches use of XML-based language to provide user with easy to use interactive display interface [see *Humpleman* column 2 - lines 52-67 and column 3 - lines 1-8, 'XML format to provide description data of two or more of the plurality of devices connected to the network'.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the system of *Or* to be implemented by using XML-based language to provide user with easy to use interactive display interface. It is for this reason that one of ordinary skill in the art would have been motivated to use XML-based language to provide user with easy to use interactive display interface.

24. **Referring to claim 24**, teachings of *Or* as modified by the teachings of *Humpleman* as applied to claim 23, teaches wherein the XML-based language is a Network Description Language [see *Humpleman* column 2 - lines 52-67 and column 3 - lines 1-8, 'XML format to provide description data of two or more of the plurality of devices connected to the network'.]

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25. Claims 12-13, 16-20, 22, 25-29, 31, 33, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Or et al. U.S. Patent Number: 6,532,237 (hereinafter referred to as "Or".)

26. **Referring to claim 22**, Or teaches a system for configuring one or more devices to customize a lab network in one or more participating facilities for testing scenarios using those devices [see column 8 - lines 18-30], comprising: a language subsystem for creating a network topology description for a scenario [see column 12 - lines 55-65; column 8 - lines 50-59, 'constructing the topology database by processing the PTSEs'; see figure 2 - elements 22, 102, 100, 29]; a scenario scheduling subsystem for scheduling a facility to execute the scenario and for reserving one or more requested devices to be utilized in executing the scenario [see column 8 - lines 60-67, column 9 - lines 1-5]; a lab management subsystem for executing the scenario [see column 9 - lines 40-60.] however, Or does not set forth the limitation of a scenario archive subsystem for archiving the scenario for reuse.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of saving resources by reusing test scenarios. It would have been obvious to one of ordinary skill in the art at the time of applicant's

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invention to archive the scenarios in order to get this advantage.

27. **Referring to claims 12, 25,** Or teaches a language subsystem for creating a network topology description for a scenario [see Or column 12 - lines 55-65; column 8 - lines 50-59, 'constructing the topology database by processing the PTSEs'; see figure 2 - elements 22, 102, 100, 29] however does not set forth the limitation of wherein the scenario scheduling subsystem comprises a global scheduler for maintaining scheduling information relating to all of the participating facilities in an associated global schedule database, and a global inventory database for maintaining information relating to all of the devices within the participating facilities.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of being able to synchronize various tasks and operations of a network and maintain data coherency by using a global scheduler. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include a global scheduler to get this advantage.

28. **Referring to claims 13, 26,** Or teaches a language subsystem for creating a network topology description for a scenario [see



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Or column 12 - lines 55-65; column 8 - lines 50-59, 'constructing the topology database by processing the PTSEs'; see figure 2 - elements 22, 102, 100, 29] however does not set forth the limitation wherein the global scheduler interfaces with a local scheduler located in respective ones of the participating facilities for maintaining scheduling information relating to that facility in an associated local schedule database, and a local inventory database for maintaining information relating to all of the devices within that facility.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of being able to synchronize various tasks and operations of a network and maintain data coherency by allowing a global scheduler to communicate with a local scheduler. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to allow a global scheduler to communicate with a local scheduler to get this advantage.

29. **Referring to claim 16,** Or teaches a language subsystem for creating a network topology description for a scenario [see Or column 12 - lines 55-65; column 8 - lines 50-59, 'constructing the topology database by processing the PTSEs'; see figure 2 - elements 22, 102, 100, 29] however does not set forth the

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limitation of wherein the scenario scheduling system further comprises an authentication system for authenticating users accessing the scheduling system to ensure that only those users having valid access can request scheduling of scenarios using the scenario scheduling system.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of being able to maintain data security by requiring user to be authenticated before allowing access to the system. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include an authentication system to get this advantage.

30. **Referring to claims 17, 27,** *Or* teaches a language subsystem for creating a network topology description for a scenario [see *Or* column 12 - lines 55-65; column 8 - lines 50-59, 'constructing the topology database by processing the PTSEs'; see figure 2 - elements 22, 102, 100, 29] however does not set forth the limitation wherein each participating facility includes its own lab management subsystem.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of being

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able to maintain local area for storing various information regarding local devices in order to have speedy access to this information when a need arises. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include own lab managements subsystem to get this advantage.

31. **Referring to claims 18, 28,** Or teaches a language subsystem for creating a network topology description for a scenario [see Or column 12 - lines 55-65; column 8 - lines 50-59, 'constructing the topology database by processing the PTSEs'; see figure 2 - elements 22, 102, 100, 29] however does not set forth the limitation wherein the lab management subsystem comprises a local scheduler for maintaining scheduling information relating to an associated facility in an associated local schedule database, a scenario manager for interpreting and executing scheduled scenarios, and an inventory manager for interacting with the scenario manager to retrieve description information about the devices maintained in a local inventory database and for configuring the devices in accordance with the description information to enable the devices to be used in the scenario.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and

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well known in the computer art to get the advantage of being able to synchronize various tasks and operations of a local network and maintain data coherency by using a local scheduler to maintain information associated with local devices. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use a local scheduler database to get this advantage.

32. **Referring to claims 19, 29,** Or teaches a language subsystem for creating a network topology description for a scenario [see Or column 12 - lines 55-65; column 8 - lines 50-59, 'constructing the topology database by processing the PTSEs'; see figure 2 - elements 22, 102, 100, 29] however does not set forth the limitation wherein the lab management subsystem further comprises a device controller for managing the operation of the one or more devices utilized in executing the scenario, a proxy server for providing access to device consoles enabling authorized users to control the devices during the executing scenario, a switch controller for controlling switching systems used during the executing scenario, and an OS/Image manager for maintaining an archive of system images in an associated image database and delivering the system images to devices under control of the scenario manager.

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It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of being able to maintain data security by requiring user to be authenticated before allowing access to the system. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include an authentication system to get this advantage.

33. **Referring to claim 20**, teachings of Or as modified above in claim 19, teaches wherein a lab maintenance client interfaces with the lab management subsystem enabling remote control of the lab management subsystem and remote monitoring of the participating facilities [see figure 2 - elements 22, 96, 27.]

34. **Referring to claims 31, 36**, Or teaches a language subsystem for creating a network topology description for a scenario [see Or column 12 - lines 55-65; column 8 - lines 50-59, 'constructing the topology database by processing the PTSEs'; see figure 2 - elements 22, 102, 100, 29] however does not set forth the limitation of further comprising a scenario archive subsystem for archiving custom created scenarios for reuse in an associated archive database.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and

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well known in the computer art to get the advantage of saving resources by reusing test scenarios. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to archive the scenarios in order to get this advantage.

35. **Referring to claim 33,** Or teaches a language subsystem for creating a network topology description for a scenario [see Or column 12 - lines 55-65; column 8 - lines 50-59, 'constructing the topology database by processing the PTSEs'; see figure 2 - elements 22, 102, 100, 29] however does not set forth the limitation of wherein the creating step includes using a visual tool application to create the scenario by drawing a network topology, and automatically translating the network topology into a scenario that can be executed by a lab management subsystem.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of enabling users to share ideas and concepts visually by using diagrams to augment written material in documents or by expanding visual elements in a public presentation by using a visual tool application. It would have been obvious to one of ordinary skill

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in the art at the time of applicant's invention to user a visual tool application to get this advantage.

**Conclusion**

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents have been made record of to further show the state of the art as it pertains to testing a network:

Cidon et al. U.S. Patent Number: 6,269,330

Cohoe et al. U.S. Patent Number: 6,108,309

Main et al. U.S. Patent Number: 6,674,724

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (703) 305 4893. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (703) 308 3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP  
05/24/2004

  
FRITZ FLEMING  
PRIMARY EXAMINER  
GROUP 2100